

## CSUN – DEPARTMENT OF STUDENT HOUSING – JUDICIAL PROCESS

### **PURPOSE**

The Department of Student Housing at CSUN has established a set of policies that establish the standards under which all residents are expected to live. These Student Housing Policies and the related system serve to educate students as to their civic and social responsibilities as members of the campus residential community. These policies are in addition to the CSUN Code of Student Conduct which applies to all students living on or off campus, during academic terms for which they are enrolled, during breaks between terms, during university holidays, vacations and during periods of suspension. All students are encouraged to remain familiar with BOTH sets of policies during their academic career.

The Student Housing Judicial Process is set in place to administer these policies in a uniform and balanced framework. This is done by applying the Student Housing Policies in consideration of both the rights of the student and the obligations of the department. In the enforcement of the Student Housing policies, all students will have the right to fundamental fairness, which includes notice of charges and the opportunity to be heard.

The Student Housing Policies apply to resident students and their guests while in on-campus housing at CSU, Northridge and outline student rights and responsibilities, prohibited behaviors and possible sanctions.

In addition to the above, the system is designed:

1. To modify the behavior of community members when such behavior is out of conformance with standards of behavior;
2. To resolve, when feasible, disputes in a cooperative, educational and non-adversarial manner;
3. To facilitate student informed participation in the judicial process if they are charged with violating the Housing Policies;
4. To facilitate a greater awareness of and respect for differences of culture, gender, religion, race, sexual orientation and ability; and
5. To create a safe environment that allows student growth and learning.

### **JURISDICTION**

The Student Housing Policies and judicial process are designed to address misconduct that takes place in on-campus housing premises. The policies also apply to Student Housing sponsored events, activities, trips, etc. which may occur off campus. A student, who violates the policies and/or breaks the law, is subject to Student Housing, University, civil and/or criminal authorities. Student Housing, at its sole discretion, may pursue disciplinary action against a student while they are also subject to criminal and/or University judicial proceedings. Student Housing reserves this right even if criminal charges are pending, reduced, or dismissed.

The CSUN Student Housing judicial system derives its authority from the housing license agreement. By signing the housing contracts all students agree to the provisions of these policies.

### **STANDARDS OF PROOF.**

Individuals are always innocent until proven otherwise; however, unlike a court of law, the standard of evidence is less stringent and is known as "a preponderance of the evidence". In other words, imagine weighing the evidence on some imaginary scale, the Conduct Officer must be more than 50 percent sure that a policy violation occurred.

## THE STUDENT HOUSING JUDICIAL PROCESS

Any person may file a complaint against a residential student for misconduct. Resident students filing complaints will report the issue to their Resident Advisor or Community Director who will submit the complaint on an Incident Report. All other complaints must be prepared in writing, signed and directed to The Department of Student Housing or to a conduct officer. All complaints should be submitted as soon as possible after the event takes place. Generally, reports will be submitted from one of the following sources:

- Resident Students
- Public Safety
- The Student Housing Staff

### Warning Letter

If a violation occurs that the Housing Department would be the complaining party, a warning letter can be sent to the violating student which advises them of the report. These letters only require that the student not repeat the violating behavior. If the student feels that they are not responsible for this violation, they can request a Conduct Hearing with their Community Director. These violations can include jumping balconies, noise, or smoking in prohibited areas.

### Incident Meeting/Conduct Conference

Once a complaint or Incident Report is filed, a Notice of Incident will be sent to the student's campus email requesting their presence at an Incident Meeting. *Failure to attend will result in a \$25 fine and the Incident Meeting will occur in the student's absence.*

There are three possible outcomes of this meeting.

- a) Discussion that leads to the dismissal of the incident.**
- b) Discussion that affirms the Conduct Officer's belief that a violation may have occurred and they deny the violation.**
- c) Discussion that affirms the Conduct Officer's belief that a violation did occur and they admit to the violation**

There are occasions when more evidence needs to be discovered and presented. A Conduct Conference can be convened in which the student is entitled to a three (3) day preparation period before the Conduct Conference. *Failure to attend the scheduled conference will result in a \$25 fine and the Conduct Conference will occur in your absence.* There are two (2) possible outcomes to this conference:

- a) Conduct Officer determines there is not enough information to hold student accountable for being in violation of the Student Housing Policies and the case is dismissed.**
- b) Conduct Officer determines there is enough evidence to hold student accountable for being in violation of the Student Housing Policies and the sanction can be issued.**

### Dismissal of Incident

If after discussion and reading of the incident report, the Conduct Officer determines there is not enough information to support that a violation of the Student Housing Policies occurred, the incident will be dismissed.

## SANCTIONING

Sanctions are intervening mechanisms that ensure individuals are accountable for their actions. These corrective measures are meant to be learning based, to provide students an opportunity to reflect on changing their behavior and to provide the motivation to make these changes. Some

sanctions, such as fines, are designed to deter unwelcome behavior. The following are guidelines that Conduct Officers can utilize when determining the appropriate sanction. As guidelines they are suggested actions, but each Conduct Officer is responsible for determining the sanction that best meets the overall educational goal of the conduct process based on the facts of each specific hearing. The following are sanctions that may be assigned as a result of students being found in violation of the Student Housing Policies. Sanctions may be imposed independently or in combination with other sanctions.

- A. Warning** - The verbal or written warning places the student on specific notice of violating behavior and affords the student the opportunity to correct themselves. It will be clearly communicated that any repetition of the behavior will result in more severe disciplinary action.
- B. Educational Sanction** - This is a developmental activity requiring the responsible student to be accountable for their actions by performing mandated service or to participate in an educational program or activity, including, but not limited to, an educational seminar, a treatment program for alcohol or drug abuse, psychological counseling, or community service.
- C. Restitution** - This sanction requires the responsible student to pay for damages as a result of their behavior causing a financial loss to a third party. Such reimbursement will be charged to any student who alone, or through group activities, organizes or knowingly participates in the events causing the damages or costs. Restitution may be imposed separately or in addition to any other sanction(s). This can include misappropriation of The Department of Student Housing funds, or for other expenses incurred as a result of violations of the Student Housing Policies
- D. Fine** - A fine requires the responsible student to pay a sum of money (not to exceed \$100, *except in cases of large unauthorized group parties, gatherings, or events*). The judicial officer shall determine the amount. Fines may be imposed separately or in addition to any other sanction(s).
- E. Probation** - This is an official notice to the student that their behavior has reached a level that has jeopardized their privilege of living in Student Housing. This level of sanction should be taken seriously by the student as a time to re evaluate their willingness to abide by the community standards established in a student housing environment. Conditions of probation will usually be in conjunction with more severe sanctions that restrict the student's participation in co-curricular activities related to Student Housing or which may require you to perform University or community service, or other specified activities. Established proof of a violation of the terms of probation, or of a further incident of misconduct while on probation may result in cancellation or non renewal of the student's housing license agreement or referral to the Campus Conduct Officer for a review of the Campus Conduct Code.
- F. Residential Summary Suspension** - In certain circumstances, the Director of Student Housing or his/her designee has the authority to summarily suspend you from all residential communities pending a hearing. You may be summarily suspended from all residential communities to ensure the safety and well-being of members and/or property of California State University, Northridge; ensure your own physical or emotional safety and well-being; or protect the community if you pose a definite threat to the normal operations of the university.
- G. No Recontract Status** - Students who have demonstrated a repeated disregard for the Student Housing Policies, Community Standards or Campus Code of Conduct can lose their eligibility for living on campus the following term. This can be as a result of repeated policy or conduct violations with no willingness to change the disruptive behavior or threatening the safety of students or staff. Recommendations for No Recontract status

will be submitted to the Director of Student Housing (or designee) by the Housing staff. If the No Recontract status is assigned, notice will be sent to the student within 3 business days via campus electronic mail.

**H. Contract Cancellation** - The Director of The Department of Student Housing or his/her designee has the authority to cancel any Housing Contract. The Director of The Department of Student Housing or his/her designee through a Contract Cancellation requests a resident to immediately or within a certain time period vacate from the Student Housing premises with all belongings.

## **APPEAL PROCESS**

Students have the right to appeal a decision made during a hearing. Appeals must be submitted within three (3) working days of the conduct conference. Housing Conduct Appeals are available through the appeals link in the decision letter that is emailed to the student. Approval for an Appeal Hearing will be determined by the Judicial Coordinator for Student Housing or her/his designee and will be based on at least one of the following criteria:

- 1) Presentation of new or relevant information that was unavailable at the time of the original hearing;**
- 2) The decision about the behavior is unsupported by the preponderance of the evidence;**
- 3) The Conduct Officer(s) was influenced by personal bias;**
- 4) The sanction was not appropriate to the offense;**
- 5) The Conduct Officer(s) did not follow written procedures as outlined in the Residential Student Code of Conduct.**

Possible outcomes to this conference:

The Housing Judicial Coordinator or her/his designee, if the appeal is determined to be valid, hears all appeal cases. Students may be relocated or removed from the halls prior to the completion of the appeal process under certain circumstances and at the discretion of the department. Failure to make the appeal within the allotted time period will result in the forfeiture of the right to appeal. Upon hearing an appeal case, the appeal officer has three (3) options in responding to the appeal:

- 1) Uphold the original sanction or decision;**
- 2) Eliminate or decrease the original sanction or decision;**
- 3) Change or increase the original sanction or decision.**

An appeal can only be heard once. The decision of the appeals officer is final. The Appeals officer has three working days to render a decision.

## **RESIDENT RIGHTS**

Every resident student has:

1. The right to receive timely notification of the section(s) of the policy allegedly violated and the date, time, and place of any conference or hearing on the alleged violation.
2. The right to challenge the objectivity or fairness of any of the persons serving as a conduct officer.
3. The right to consult an advisor before, during and after any conference or hearing.
4. The right to review a copy of each document pertinent to the alleged violation.
5. Upon request, the right to timely notification of the name of each person expected to testify at any conference or hearing.
6. The right to introduce documents, to call witnesses, and present other evidence. The right to call witnesses is accompanied by the obligation to provide the name of each witness, in writing, two business days in advance of a conference or hearing to the conduct officer.
7. The right to be present at any hearing or conference on the alleged violation and to make or refrain from making statements.
8. The right to ask questions of any person participating in or testifying at a conference or hearing. In certain circumstances, questioning may be done outside the physical presence of those participating in the conference or hearing.
9. The right to receive timely notification of any decision made.
10. The right to appeal the decision of a hearing or conference in accordance with procedures.
11. The right to review the record of any hearing in accordance with all state laws and the Family Educational Rights and Privacy Act (FERPA).
12. The right to request postponement of a hearing for good cause shown. In most cases, a postponement will only be granted due to an academically related commitment. The decision to postpone a conduct conference rests with the hearing officer.

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